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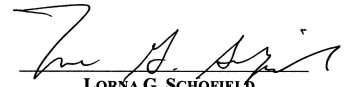
October 20, 2022

**Via ECF:**

The Honorable Lorna G. Schofield, U.S.D.J.  
United States District Court  
Southern District of New York  
40 Centre Street, Rm. 2202  
New York, NY 10007

Defendants shall file a response, not to exceed three pages, by  
**October 26, 2022. So Ordered.**

Dated: October 21, 2022  
New York, New York

  
LORNA G. SCHOFIELD  
UNITED STATES DISTRICT JUDGE

Re: **Rossete et al v. Hong Kong Kitchen (USA) Inc. et al**  
Civil Docket No.: 22-cv-03049 (LGS)

Dear Judge Schofield:

We represent the Plaintiffs, Arturo Velazquez Rossete, and Cresencio Calva Cruz, individually and on behalf of all others similarly situated (“Plaintiffs”) in this FLSA action, and we respectfully submit this letter motion to compel Defendants’ discovery responses, which remain outstanding to date, despite the close of discovery in this matter having been set for today, October 20, 2022, pursuant to ¶ 8 of the parties’ Civil Case Management Plan and Scheduling Order. *See* Dkt. No. 10.

The parties’ above-referenced Civil Case Management Plan and Scheduling Order was filed on June 16, 2022. *See* Dkt. No. 10. On September 7, 2022, the parties submitted a joint status report to the Court, pursuant to which, the parties had apprised the Court, *inter alia*, that:

“Plaintiffs served their First Set of Interrogatories and First Set of Document Demands on Defendants on July 22, 2022. Defendants have not yet provided their responses. Defendants will provide their responses no later than September 30, 2022. To date, Defendants have not served discovery requests on Plaintiffs but will serve requests no later September 14, 2022.”

*See* Dkt. No. 15.

As stated above, on July 22, 2022, the Plaintiffs served on Defendants, the Plaintiffs’ First Set of Interrogatories and First Set of Document Demands (“Plaintiffs’ Discovery Demands”). To date, the Defendants have not responded to any of the Plaintiffs’ Discovery Demands, all of which remain outstanding. In addition, we emailed defense counsel on September 7, 2022 to follow up on Plaintiffs’ outstanding Discovery Demands and notice the Defendants of their deficiency; Defendants agreed to provide their responses by September 30, 2022. Furthermore,

we notified the Court of this discovery issue within the parties' joint status report, in which Defendants had represented that "Defendants will provide their responses no later than September 30, 2022." To date, Defendants failed to do so. Plaintiffs made a good faith effort to obtain Defendants' responses and agreed to an extension for Defendants to provide such responses even after they were initially due, but never received such responses.

In addition to Defendants' failures to provide their responses no later than September 30, 2022, Defendants had also asserted that they would serve demands on Plaintiffs by no later than September 14, 2022, and never did so. *See* Dkt. No. 15. As discovery is now closed, we believe Defendants have waived their right to serve such demands.

Accordingly, Plaintiffs respectfully request an Order compelling Defendants' responses and appropriate disclosures to Plaintiffs' outstanding Discovery Demands, and/or Plaintiffs respectfully request a conference with the Court to address same.

We thank The Court for its kind consideration on this matter, and we remain available to provide any additional information necessary.

Respectfully submitted,

*Roman Avshalumov*  
Roman Avshalumov, Esq.

CC: *All counsel of record (via ECF):*

**Zhou Min Wang, Esq.**

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***ATTORNEY TO BE NOTICED FOR THE DEFENDANTS***